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February 27, 2012

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Michelle Kerr
Remedial Project Manager
US Environmental Protection Agency – Region 5
Superfund Division (SR-6J)
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Re: Response to General Notice Letter and Information Request for the
Chemetco Superfund Site, Hartford Illinois

Dear Ms. Kerr:

Kilpatrick Stockton represents Thornton Iron & Metal, Inc. (Thornton) with regard to preparation of a response to the above-referenced General Notice Letter and Information Request, which is dated November 30, 2011 (Information Request). A “blanket extension” to the Information Request was granted by electronic mail message from you dated January 18, 2012, extending the date to respond to March 3, 2012. Therefore, this Response is timely filed. Thornton’s response to the Information Request is attached hereto as Appendix A.

As set forth in Appendix A, Thornton has limited information regarding its relationship with Chemetco. In 2009, Thornton was subject to an Internal Revenue Service Audit and was informed by the Auditor at the completion of the Audit, that it could destroy all records. If Thornton had retained any records regarding its relationship with Chemetco, these records were destroyed in 2009. Thornton, therefore, has responded to the Information Request to the best of its recollection. It is important to note that Thornton did not have a relationship with the Chemetco “Site” but rather merely sold recyclable scrap metal to the Chemetco trading office/warehouse located in Charlotte, North Carolina.

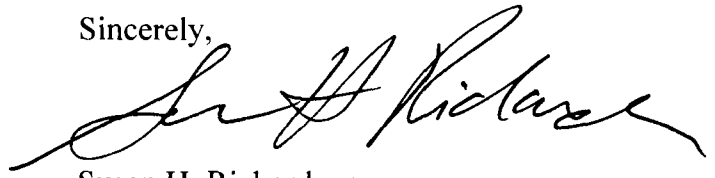
The General Notice Letter requests Thornton’s interest in participating in future negotiations regarding the Chemetco Site. Thornton is willing to participate in future negotiations regarding the Chemetco Site, recognizing that Thornton is a small company and does not have the resources to assume liability and significant remedial obligations for the Chemetco Site. Rather, Thornton wishes to participate in negotiations and resolution of

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liability at a level that reflects Thornton's limited involvement with Chemetco and the applicability of the Superfund Recycling Equity Act of 1999, 42 U.S.C. §9627.

Please let me know if I can provide any additional information or if you have any questions regarding this response.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan H. Richardson", with a stylized, flowing script.

Susan H. Richardson

APPENDIX A

Thornton Iron & Metal, Inc.
Response to EPA General Notice Letter and Information Request
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INFORMATION REQUEST

1. *Provide the following information about your company ("Respondent"):*

(a) *The complete and correct legal name of your company.*

Thornton Iron & Metal, Inc.

(b) *The name(s) and address(es) of the President and the Chairman of the Board, or other presiding officer of the company.*

Mike Thornton

(c) *The state of incorporation of the company and the company's agents for service.*

State of Incorporation: Alabama

Service: On the company at address listed above.

(d) *The name(s) of all subsidiaries, affiliates, or parent companies to your company.*

No subsidiaries, affiliates, or parent companies.

(e) *The state of incorporation and agents for service of process in the state of incorporation.*

See Response to No. 1(c).

(f) *The status of all subsidiaries, affiliates, or parent companies to your company.*

See Response to No. 1(d).

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2. *Describe and provide any documents related to your company's business activities which resulted in sending material to Chemetco.*

Thornton would sell recyclable scrap metal to the trading office/warehouse located on North Tryon Street in Charlotte, North Carolina (Charlotte Warehouse). Thornton would deliver the material directly to the Charlotte Warehouse and Thornton's driver would return with a check for payment for the scrap metal. Thornton had no knowledge or relationship with the Chemetco Superfund Site in Hartford, Illinois ("Site").

All documents were destroyed subsequent to a 2009 IRS Audit. See Response to No. 25 regarding the status of Thornton's documents.

3. *Describe and provide any documents related to your company's role at the Site, including what duties/involvement your company had at the Site.*

Thornton had no knowledge of or relationship with the Site. Thornton merely delivered and sold recyclable scrap material to the Charlotte Warehouse.

4. *If the nature or size of Respondent's activities in relation to Chemetco changed over time, describe those changes and the dates they occurred.*

No changes over time occurred with regard to Thornton's relationship with the Charlotte Warehouse. Thornton would deliver and sell recyclable scrap metal to the Charlotte Warehouse. Thornton was informed by the Charlotte Warehouse that the scrap metal would be delivered to a scrap metal trading facility, where the scrap metal would be sold/utilized for recycling purposes.

5. *For each type of waste or material used in Respondent's operations, describe and provide documents relating to Respondent's contracts, agreements, or other arrangements for its disposal, treatment, trading, or recycling with Chemetco, including but not limited to whether Respondent controlled where waste sent to Chemetco warehouses was ultimately processed/recycled.*

The Purchase Contracts were strictly material purchase contracts with agreed upon prices per load of scrap metal delivered to the Charlotte Warehouse. Thornton received a fair market price for the scrap metal. There were no agreements beyond these trade agreements. Thornton was informed by the Charlotte Warehouse that the scrap metal would be delivered to a scrap metal trading facility, where the scrap metal would be sold/utilized for recycling purposes. This was a customary industry practice.

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6. *If not already provided, specify the dates and circumstances when Respondent's waste or material was taken to the Site, and identify the companies or individuals who brought Respondent's waste/material to the Site. Provide any documents which support or memorialize your response.*

To the best of Thornton's recollection, the scrap metal was delivered to the Charlotte Warehouse in the time frame between 1998 and 2001. No other companies or individuals delivered scrap metal to the Charlotte Warehouse. All scrap metal was delivered on Thornton's company trucks.

7. *Were transactions between your company and Chemetco and specifically the Site: 1) an outright sale; 2) subject to a written or verbal "tolling" agreement between the companies; or 3) reflected the "banking" of the transacted material in a metal account at the request of your company for return or other disposition at a later date?*

Thornton had no transactions with the Site but rather all were direct sales with the Charlotte Warehouse. Payments for the scrap metal were made at the time of delivery. Thornton received a fair market price for the scrap metal. There were no "tolling" or "banking" agreements.

8. *Did your company have any influence over waste disposal or recycling activities at the Site? If so, how?*

No.

9. *Was any shipment of material sent to the Site by Respondent ever refused and/or returned? If so, describe this event in detail, including its cause and outcome.*

Thornton did not ship any material to the Site; all material was sold to the Charlotte Warehouse where Thornton was informed that it would be delivered to a scrap metal trading facility and sold/utilized for recycling purposes. Based on Thornton's recollection, Thornton did have a few items returned. As each delivery was unloaded, representatives at the Charlotte Warehouse would grade the material. If certain items were downgraded to a lesser value, Thornton had the option to accept the lower amount or load the item back on the truck. In limited circumstances, Thornton did not accept the lower graded value and the scrap metal was returned to Thornton.

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10. *Describe in detail the types of material that you sent for recycling, processing, or disposal at the Site. In your response, please also give the generic name of each type of materials shipped to the Site [e.g., scrap metal (including scrap automobiles), batteries, electronics, scrap paper, scrap plastic or scrap textile, etc.].*

Thornton delivered and sold recyclable scrap metal to the Charlotte Warehouse. This scrap metal included aluminum wheels, catalytic converters, brasses, coppers and car radiators. Thornton did not delivery any materials to the Site. Thornton had no knowledge or relationship with the Site.

- (a) *Identify whether the materials were delivered directly to the Site or were trans-shipped there from another intermediate delivery point. If applicable, describe each such delivery point.*

No deliveries were made to the Site. Thornton had no knowledge or relationship with the Site. Rather, all deliveries of scrap metal were to the Charlotte Warehouse. Thornton was informed by the Charlotte Warehouse that this scrap metal would be delivered to a scrap metal trading facility, where the scrap metal would be sold/utilized for recycling purposes.

- (b) *State whether any of the material was ever tested by your company and if so, whether the substances exhibited any of the characteristics of a hazardous waste identified in 35 Illinois Administrative Code 721, Subpart C or 40 C.F.R. § 261, Subpart C.*

Thornton never tested, nor was it required to test, the scrap metal.

- (c) *Describe what was done to materials once they were brought to the Site, including any further processing of the materials.*

Thornton had no knowledge or relationship with the Site. Thornton would deliver and sell recyclable scrap metal to the Charlotte Warehouse. Thornton was informed by the Charlotte Warehouse that the scrap metal would be delivered to a scrap metal trading facility, where the scrap metal would be sold/utilized for recycling purposes. The Charlotte Warehouse was limited to shipping and receiving and did not conduct any processing.

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- (d) *Provide any additional information and all documents that you believe are related to the type, nature and characteristics of the materials you sent to the Site.*

See response to No. 10 above.

- (e) *List the years in which your company sent materials to Chemetco and/or its broker(s) for recycling, processing, or disposal.*

To the best of Thornton's recollection, the sales transactions with the Charlotte Warehouse in the time frame between 1998 and 2001.

Questions and Requests for Documents Related to Scrap Metal

11. *For the following questions which relate to transactions involving scrap metals, provide the requested information, and also provide copies of any documents that contain any information that is related to the response:*

- (a) *Did a market exist for the scrap metal listed in your response to No. 10 above? If so, describe the nature of such a market at the time of the transaction (possible uses, possible consumers, etc.) and the source of the commercial specification grade (e.g., Institute of Scrap Recycling Industries, Inc. (ISRI), Department of Defense, or wherever your company would find the grade published).*

A market for the scrap metal listed in Thornton's response to No. 10 existed at the time the scrap metal was sold to the Charlotte Warehouse. The nature of the market was recycling. Thornton received fair market value for the scrap metal sold to the Charlotte Warehouse. Thornton assume the ISRI Specifications were utilized but the nature of the specifications was not discussed. This was customary industry practice.

- (b) *What commercial specification grade did the scrap metal listed in your response to question No. 10 meet? Identify/list the commercial specification grades that each scrap metal identified in No. 9 met.*

The Charlotte Warehouse would grade the scrap metal when the scrap metal arrived at the Charlotte Warehouse. Thornton does not have any documents or other information regarding the grades of this recyclable scrap metal.

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- (c) *At the time of the transaction(s) what was the intended disposition of the scrap metal listed in your response to question No. 10? Did this include burning as fuel, or for energy recovery, or incineration?*

Thornton was informed by the Charlotte Warehouse that all of Thornton's scrap metal sold to the Charlotte Warehouse would be delivered to a scrap metal trading facility, where the scrap metal would be sold/utilized for recycling purposes. The Charlotte Warehouse operations were limited to shipping and receiving and did not conduct any processing.

- (d) *After sale, transfer, delivery, recycling, or disposal, what portion of the scrap metal listed in your response to question No. 10 was to be made available for use as a feedstock for manufacturing of new saleable products? Explain how the portion identified in this answer was derived or calculated.*

Thornton has no knowledge regarding this, although it is possible that certain of the scrap metal sold to the Charlotte Warehouse could have been used as a feedstock for manufacturing of new saleable products.

- (e) *Could the scrap metal listed in your response to question No. 10 have been used as a replacement or substitute for a virgin raw material? If so, provide details.*

Thornton has no knowledge regarding this although it is possible that certain of the scrap metal sold to the Charlotte Warehouse could have been used as a metal source for a virgin raw material.

- (f) *Could any products made from the scrap metal listed in your response to question No. 10 have been used as a replacement or substitute for a product made, in whole or in part, from a virgin raw material? If so, provide details.*

See Response to No. 11(e).

- (g) *Did your company melt the scrap metal listed in your response to question No. 10 before it was transported/delivered to the Site? If yes, describe the process used for melting the scrap metal.*

Thornton did not melt the scrap metal before delivery to the Charlotte Warehouse. Thornton did not send materials to the Site. Thornton had

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no knowledge of or relationship with the Site.

- (h) *Describe the source of or the process that produced the materials sent to the Site.*

Thornton did not send materials to the Site. Thornton had no knowledge of or relationship with the Site. Thornton received scrap metal from private individuals, which was then sold to the Charlotte Warehouse. Thornton was informed by the Charlotte Warehouse that all of Thornton's scrap metal sold to the Charlotte Warehouse would be delivered to a scrap metal trading facility, where the scrap metal would be sold/utilized for recycling purposes.

12. *Did any of the scrap material sent to the Site contain other material(s) incident to or adhering to the scrap? If so, describe in detail.*

No. The scrap metal sold to the Charlotte Warehouse did not contain other material(s) incident to or adhering to the scrap metal. Thornton did not send materials to the Site. Thornton had no knowledge of or relationship with the Site.

13. *Did any of the material sent to the Site contain wire or wiring? If so, was the wire's insulation first stripped before being shipped to or accepted at the Site, after being received at the Site, or was the wire not stripped?*

Thornton did not send any material to the Site. Thornton had no knowledge nor relationship with the Site. Thornton sold scrap metal to the Charlotte Warehouse. Some of the scrap metal included copper wire. This wire, which was received from private individuals, was sometimes, but not always, stripped prior to sale to the Charlotte Warehouse.

14. *Did the material shipped include drums or shipping containers? If so, specify the generators of the drums or shipping containers, the capacity of such drums or containers and whether such containers ever contained liquid of any sort. If so, specify the type of liquid and whether such liquids contained wastes of any kind.*

No drums or shipping containers were sold to the Charlotte Warehouse. Thornton only utilized Gaylord boxes for containing and organizing the scrap metal.

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15. *Describe all efforts (i.e., Site visits) taken by your company to determine what would be done with the scrap metal identified in your response to question No. 10.*

Thornton's understanding was that the Charlotte Warehouse was only a trading facility. The only operations observed at the Charlotte Warehouse were shipping and receiving. Thornton was informed by the Charlotte Warehouse that all of Thornton's scrap metal sold to the Charlotte Warehouse would be delivered to a scrap metal trading facility and then sold/utilized for recycling purposes. This was customary industry practice. Thornton had no knowledge of nor relationship with the Site.

Questions and Request for Documents Related to Electrical and Electronic Equipment

16. *For the following questions which relate to transactions involving electrical and electronic equipment (e.g., transformers, capacitors, white goods, computers, monitors, cables, circuit boards, or other electrical equipment), provide the requested information, and also provide copies of any documents that contain any information that is related to the response:*

Not Applicable – No electrical equipment was shipped.

- (a) *List an estimated number of shipments of electrical and electronic equipment your company sent to the Site on an annual basis and list the years. In this list, include the type and quantity, volume and weight of electrical and electronic equipment sent;*

Not Applicable – No electrical equipment was shipped.

- (b) *At the time of the transaction(s), what was the intended disposition of the electrical and electronic equipment listed in your response to question 15(a)? Did the intended disposition include burning as fuel or for energy recovery or incineration?*

Not Applicable – No electrical equipment was shipped.

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17. *With respect to waste or materials sent to the Site, at the time of the transactions, specify the measures you took to determine the actual means of treatment, disposal, recycling, or other uses of the material. Provide information you had and any documents relating to the treatment, recycling and disposal practices of Chemetco at the Site. What assurances, if any, were you given by the owner/operator of the Site regarding the proper handling and ultimate disposition of the materials you sent there, as well as its compliance with applicable environmental laws? Include in your response any correspondence to and from Chemetco relating to this topic and dates the measures were taken or assurances were given.*

Thornton had no knowledge of or relationship with the Site. Thornton's relationship was with the Charlotte Warehouse, which Thornton was informed was only a trading facility. The only operations observed at the Charlotte Warehouse were shipping and receiving. Thornton was informed by the Charlotte Warehouse that all of Thornton's scrap metal sold to the Charlotte Warehouse would be delivered to a scrap metal trading facility and then sold/utilized for recycling purposes. This was a customary industry practice.

18. *What efforts and when, if any, did you take to investigate the nature of the operations conducted at the Site and the environmental compliance of the Site prior to selling, transferring, delivering disposing of, trading, or arranging for the treatment, recycling, or disposal of any materials?*

Thornton had no knowledge of nor relationship with the Site. Thornton's relationship was with the Charlotte Warehouse, which Thornton was informed was only a trading facility. The only operations observed at the Charlotte Warehouse were shipping and receiving. Thornton was informed by the Charlotte Warehouse that all of Thornton's scrap metal sold to the Charlotte Warehouse would be delivered to a scrap metal trading facility and then sold/utilized for recycling purposes.

19. *Provide all information in your possession that shows that you were in compliance with applicable federal environmental regulations or standards regarding the recycling of materials, particularly Section 127 of CERCLA, 42 U.S.C. § 9627, sent to the Chemetco Site.*

Thornton had no knowledge of or relationship with the Site. Thornton's relationship was with the Charlotte Warehouse, which Thornton was informed was only a trading facility. The only operations observed at the

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Charlotte Warehouse were shipping and receiving. Thornton was informed by the Charlotte Warehouse that all of Thornton's scrap metal sold to the Charlotte Warehouse would be delivered to a scrap metal trading facility and then sold/utilized for recycling purposes. This was a customary industry practice and Thornton received fair market value for its scrap metal. As a result, Thornton exercised reasonable care in its relationship with the Charlotte Warehouse. Thornton's scrap metal was a "recyclable material" within the meaning of Section 127 of CERCLA, 42 U.S.C. § 9627.

20. *Provide all information in your possession that shows that you were in compliance with applicable federal environmental regulations or standards regarding scrap metal promulgated under Resource Conservation and Recovery Act (RCRA).*

Thornton complied with applicable regulations in the handling of its scrap metal.

21. *Provide all RCRA Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.*

Thornton was not required to have a RCRA Identification Number for its operations.

22. *List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.*

Thornton is not required to report under any federal or state environmental laws or regulations.

23. *Identify the federal and state offices to which such information was sent. State the years during which such information was sent/filed.*

Thornton is not required to report under any federal or state environmental laws or regulations.

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24. *If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.*

None.

25. *If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained. If the records were destroyed, provide us with the following:*

- (a) *the document retention policy between 1970 and 2001;*

Thornton did not have a formal document retention policy between 1970 and 2001.

- (b) *a description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;*

The Internal Revenue Service conducted an audit of Thornton in 2009. At the completion of the audit, the IRS Auditor informed Thornton that it was acceptable to destroy all documents. As a result, all of Thornton's records were destroyed by burning in the latter part of 2009 following the IRS Audit.

- (c) *a description of the type of information that would have been contained in the documents;*

Purchase contracts, scale tickets, bills of lading, check stubs.

- (d) *the name, job title and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents; and*

Mike Thornton only. Address listed below.

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- (e) *the names and most current address of any person(s) who may possess documents relevant to this inquiry. Please state the name, title and address of each individual who assisted or was consulted in the preparation of the response to this information request.*

There are no persons who may possess documents relevant to this inquiry.

Susan H. Richardson of the law firm Kilpatrick Townsend & Stockton, assisted Mike Thornton with the response to this Information Request. Their addresses are listed below:

Susan H. Richardson
Kilpatrick Townsend & Stockton LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309

Mike Thornton
5079 Hwy 101,
Rogersville, Alabama 35652